

(f) *PROHIBITION ON OPERATION AND MAINTENANCE.*—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this Act.

(g) *OWNERSHIP AND OPERATION OF FISH PASSAGE FACILITY.*—Any facility constructed using Federal funds authorized by this Act located at Wallowa Lake Dam for trapping and transportation of migratory adult salmon may be owned and operated only by the Nez Perce Tribe.

#### SEC. 4. RELATIONSHIP TO OTHER LAW.

Activities funded under this Act shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to the pay the Federal share of the costs of activities authorized under this Act \$25,600,000.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1355), as amended, was read the third time and passed.

### ALASKA NATIVE ALLOTMENT SUBDIVISION ACT

The Senate proceeded to consider the bill (S. 1421) to authorize the subdivision and dedication of restricted land owned by Alaska Natives, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### [SECTION 1. SHORT TITLE.

[This Act may be cited as the “Alaska Native Allotment Subdivision Act”].

#### [SEC. 2. FINDINGS.

[Congress finds that—

[(1) Alaska Natives that own land subject to Federal restrictions against alienation and taxation need to be able to subdivide the restricted land for the purposes of—

[(A) transferring by gift, sale, or devise separate interests in the land; or

[(B) severing, by mutual consent, tenancies in common;

[(2) for the benefit of the Alaska Native restricted landowners, any persons to which the restricted land is transferred, and the public in general, the Alaska Native restricted landowners should be authorized to dedicate—

[(A) rights-of-way for public access;

[(B) easements for utility installation, use, and maintenance; and

[(C) additional land for other public purposes;

[(3)(A) the lack of an explicit authorization by Congress with respect to the subdivision and dedication of Alaska Native land that is subject to Federal restrictions has called into question whether such subdivision and dedication is legal; and

[(B) this legal uncertainty has been detrimental to the rights of Alaska Native restricted landowners to use or dispose of the restricted land in the same manner as other landowners are able to use and dispose of land;

[(4) extending to Alaska Native restricted land owners the same authority that other

landowners have to subdivide and dedicate land should be accomplished without depriving the Alaska Native restricted landowners of any of the protections associated with restricted land status;

[(5) confirming the right and authority of Alaska Native restricted land owners, subject to the approval of the Secretary of the Interior, to subdivide their land and to dedicate their interests in the restricted land, should be accomplished without affecting the laws relating to whether tribal governments or the State of Alaska (including political subdivisions of the State) have authority to regulate land use;

[(6) Alaska Native restricted land owners, persons to which the restricted land is transferred, State and local platting authorities, and members of the general public have formed expectations in reliance on past subdivisions and dedications; and

[(7) those expectations should be fulfilled by ratifying the validity under Federal law of the subdivisions and dedications.

#### [SEC. 3. DEFINITIONS.

[In this Act:

[(1) *RESTRICTED LAND.*—The term “restricted land” means land in the State that is subject to Federal restrictions against alienation and taxation.

[(2) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

[(3) *STATE.*—The term “State” means the State of Alaska.

#### [SEC. 4. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

[(a) *IN GENERAL.*—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

[(1) subdivide the restricted land in accordance with the laws of the—

[(A) State; or

[(B) applicable local platting authority; and

[(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

[(b) *RATIFICATION OF PRIOR SUBDIVISIONS AND DEDICATIONS.*—Any subdivision or dedication of restricted land executed before the date of enactment of this Act that has been approved by the Secretary and by the relevant State or local platting authority, as appropriate, shall be considered to be ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

#### [SEC. 5. EFFECT.

[(a) *IN GENERAL.*—Nothing in this Act validates or invalidates any assertion—

[(1) that a Federally recognized Alaska Native tribe has or lacks jurisdiction with respect to any land in the State;

[(2) that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist in the State; or

[(3) that, except as provided in section 4, the State or any political subdivision of the State does or does not have the authority to regulate the use of any individually owned restricted land.

[(b) *EFFECT ON STATUS OF LAND NOT DEDICATED.*—Except in a case in which a specific interest in restricted land is dedicated under section (4)(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 4(a)(1)).]

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Alaska Native Allotment Subdivision Act”.*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) *RESTRICTED LAND.*—The term “restricted land” means land in the State that is subject to Federal restrictions against alienation and taxation.

(2) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

(3) *STATE.*—The term “State” means the State of Alaska.

#### SEC. 3. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

(a) *IN GENERAL.*—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

(1) subdivide the restricted land in accordance with the laws of the—

(A) State; or

(B) applicable local platting authority; and

(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

(b) *RATIFICATION OF PRIOR SUBDIVISIONS AND DEDICATIONS.*—Any subdivision or dedication of restricted land executed before the date of enactment of this Act that has been approved by the Secretary and by the relevant State or local platting authority, as appropriate, shall be considered to be ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

#### SEC. 4. EFFECT ON STATUS OF LAND NOT DEDICATED.

*Except in a case in which a specific interest in restricted land is dedicated under section 3(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 3(a)(1)).*

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1421), as amended, was read the third time and passed.

### SOUTHWEST FOREST HEALTH AND WILDFIRE PREVENTION ACT OF 2004

The bill (H.R. 2696) to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West was considered, ordered to a third reading, read the third time, and passed.

### ARCH HURLEY CONSERVANCY DISTRICT WATER CONSERVATION PROJECT FEASIBILITY STUDY

The Senate proceeded to consider the bill (S. 1071) to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1071

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*